

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff

Vs.

EDUARDO CRUZ RIVERA

Defendant

Case No. 00-35-02(JAF)

**MOTION REQUESTING RECONSIDERATION OF REVOCATION OF
SUPERVISED RELEASE GIVEN THE DISMISSAL OF THE CASE THAT LED
TO REVOCATION**

COMES NOW Eduardo Cruz-Rivera, and through the undersigned attorney, respectfully alleges and prays:

- 1) The Court revoked Mr. Cruz-Rivera's supervised release on May 12, 2006. The reason for the revocation was the violation of the condition of not incurring in any state or federal crime. The Court sentenced Mr. Cruz-Rivera to 5 years of imprisonment, the maximum allowed by statute. See 18 USC 3583(e)(c).
- 2) Nevertheless, we have just received the Order of Dismissal in case 06-27 (JAG), the criminal case for the conduct that provoked the revocation. Docket #71. Said dismissal was granted because the United States convinced itself that one of the PPR agents in the case lied about the facts of the case.
- 3) The only reason for revoking the supervised release was the alleged commission of a new crime. No other reason was espoused either by the Court or the Probation Office.
- 4) Defendant never admitted any knowledge that the car had drugs and weapons. A look at the transcript clearly establishes that this was a distinction made the attorney for Mr. Cruz-Rivera. See transcript of revocation hearing at 8.
- 5) We recognize that the exclusionary rule does not apply to revocation proceedings. However, as counsel for Mr. Cruz-Rivera pointed out in the revocation hearing, this would not be a suppression in the traditional sense but rather a crass violation of due process given the outright lies by the PPR agents.

WHEREFORE it is requested from this Court that given the dismissal of 06-027 (JAG), it reconsiders its 5 year imprisonment as a result of revocation and grant a new hearing to discuss Mr. Cruz-Rivera revocation of the case at bar.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 26th of April, 2007.

CERTIFICATE OF SERVICE: I hereby certify that on April 26th of 2007

AUSA Antonio Bazán, a copy of the foregoing motion, to this office in Chardón

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S/JORGE L. ARMENTEROS CHERVONI

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